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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,008	03/05/2002	Alexander Kamyshny	1268-154	4395
2292	7590	02/27/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ALEXANDER, LYLE	
			ART UNIT	PAPER NUMBER
			1743	
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/090,008

Applicant(s)

KAMYSHNY ET AL.

Examiner

Lyle A. Alexander

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9-16,18-21,23-26,28-41,43-45,47-50 and 57-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-16,18-21,23-26,28-41,43-45,47-50 and 57-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

In preparation for the Pre-Appeal Brief conference, new references were discovered that were believed relevant. These potential new references as well as Appellants' remarks were discussed during a Pre-Appeal Brief conference on 2/22/06. The conclusion of the conference was to apply the newly found references and reopen the prosecution of this application with the new non-final rejection below.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2,4-7,9-16,18-12,23-26,28-41,43-45 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Lente et al. further in view of Mayambala et al. (USP 4,587,220).

See the appropriate paragraph of 2/10/05 Office action for the teachings of Michael in view of Van Lente et al.

Michael in view of Van Lente et al. is silent to the use of ascorbic acid in the composition.

Mayambala et al. teach in column 4 lines 53-60 that it is desirable when using a TMB indicating system for peroxidatively active substance to include ascorbic acid which can increase the reaction time "some 200 times faster".

It would have been within the skill of the art to Michael in view of Lente et al. further in view of Mayambala et al. and incorporate ascorbic acid into the composition to gain the above advantages.

Claims 57 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Van Lente et al.

See the appropriate paragraph of 2/10/05 Office action for the teachings of Michael in view of Van Lente et al.

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Van Lente et al. further in view of Steckel et al. (USP 5,996,534).

See Michael in view of Van Lente et al. supra.

Michael in view of Van Lente et al. is silent to the use of perlite as cat litter.

Steckel et al. teach a cat litter impregnated with an indicator substance. Columns 1-2 lines 64-2 teach the indicator may be either mixed with the litter or sprayed on the litter. Column 2 lines 40-57 teach the litter is preferably perlite which is advantageous because it is dust free, light weight, biodegradable, does not bio-accumulate and is flushable down the commode.

It would have been within the skill of the art to modify Michael in view of Van Lente et al. further in view of Steckel et al. and use perlite as the cat litter to gain the above advantages.

Claims 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Van Lente et al. further in view of ES 2 025 025.

See the appropriate paragraph of 2/10/05 Office action for the teachings of Michael in view of Van Lente et al.

Michael in view of Van Lente et al. are silent to the claimed granulation process.

ES 2 025 025 in the abstract granulation is advantageous in the production of cat litter to produce an absorbent material in small balls of the desired size.

It would have been within the skill of the art to modify Michael in view of Van Lente et al. further in view of ES 2 025 025 and use granulation to gain the above advantages.

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michael in view of Van Lente et al. further in view of ES 2 025 025 and further in view of Steckel et al.

See Michael in view of Van Lente et al. further in view of ES 2 025 025 supra.

Michael in view of Van Lente et al. further in view of ES 2 025 025 is silent to the use of perlite as the cat litter.

Steckel et al. teach a cat litter impregnated with a indicator substance. Columns 1-2 lines 64-2 teach the indicator may be either mixed with the litter or sprayed on the litter. Column 2 lines 40-57 teach the litter is preferably perlite which is advantageous because it is dust free, light weight, biodegradable, does not bio-accumulate and is flushable down the commode.

It would have been within the skill of the art to modify Michael in view of Van Lente et al. further in view of ES 2 025 025 and further in view of Steckel et al. and use perlite as the cat litter to gain the above advantages.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lyle A Alexander  
Primary Examiner  
Art Unit 1743